

Docket No.: 50179-07



PATENT

RCE/1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gerald Wayne BOTH, et al.

Serial No.: 09/464,767

Group Art Unit: 1646

Filed: December 16, 1999

Examiner: Scott D. Priebe

For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR

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JUL 12 2002

THE COMMISSIONER FOR PATENTS AND TRADEMARKS  
Washington, DC 20231

Dear Sir:

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Transmitted herewith is an Amendment in the above identified application.

☐  
☐  
☐

No additional fee is required.

Applicant is entitled to small entity status under 37 CFR 1.27

Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	27	24	3	\$18.00 =	\$54.00
Independent Claims	12	6	6	\$84.00 =	\$504.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$920.00
Request For Continued Examination					\$740.00
Total of Above Calculations					\$2218.00



Please charge my Deposit Account No. 500417 in the amount of \$2218.00. An additional copy of this transmittal sheet is submitted herewith.



The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Judith L. Toffenetti

Registration No. 39,048

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(202)756-8000 JLT:men  
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Date: July 10, 2002

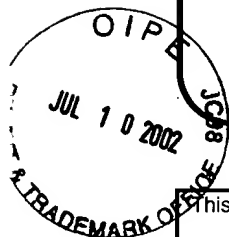
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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)**

**TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/464,767
Filing Date	December 16, 1999
First Named Inventor	Gerald Wayne BOTH, et al.
Group Art Unit	1646
Examiner Name	Scott D. Priebe
Attorney Docket Number	50179-073



This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other (Request for Approval of Drawing Corrections)

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2. **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.1.03(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$740.00**
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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01 FC:179 740.00 CH  
02 FC:103 54.00 CH  
03 FC:102 504.00 CH

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Judith L. Toffenetti	Registration No. (Attorney/Agent)	36,139
Signature		Date	July 10, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Parents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name(Print/Type)		Date	
Signature			

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For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR

REQUEST FOR APPROVAL OF DRAWING CORRECTIONS

Honorable Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Attached is a copy of revised Figure 13 for the Office's review and approval. The revision is shown in red ink. Applicants respectfully submit that the revision does not add new subject matter to the pending application. If you should have any questions, or identify any problems, please contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Judith I. Toffenetti, Ph.D.  
Registration No. 39,048

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(202) 756-8000  
**Date: July 10, 2002**  
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Attachment: Revised Figure 13

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